

00-R -1368

Entered - 06/22/00 - sb  
CL00L0394 - DIANNE C. MITCHELL

CLAIM OF: JUSTIN HAMER

417 10<sup>th</sup> Street

Apt. 1

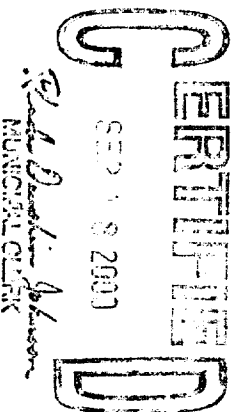
Atlanta, Georgia 30309

For damages alleged to have been sustained  
as a result of property damage due to a sewer  
back up on May 15, 2000 at 417 10<sup>th</sup> Street.

THIS ADVERSED REPORT IS  
APPROVED

BY: *Rosalind Rubens Newell*

ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY



9/12/00

C. T. Mart

*Michael BA*

*Deann Hill*

*John Smith*  
*Deanna Hill*

ADVERSEMENT  
CITY CLERK  
SEP 18 2000

September 28, 2000

Justin Hamer  
417 10th Street  
Apartment 1  
Atlanta, GA 30309

**00-R-1368**

Dear Mr. Hamer:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on September 18, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

5-15-2000

approx 8:30 am

discovered that the sewer line was backed up. The seal was broken on my toilet and sewage had spilled out and soaked my bedroom carpet. I called (404) 65-WORKS. The woman who answered the phone said she could not say when someone would come out. Because my home was being damaged, I could not wait. I called Roto-Rooter.

9:15

Roto Rooter arrives. After running his snake well off my property without success, he opens a city sewer cleanout on 10<sup>th</sup> street. It is completely clogged. Copious amounts of sewage rise from the cleanout onto 10<sup>th</sup> street. Roto Rooter man continues to push his snake (approx 120 feet) onto city property and dislodges the debris/roots.

9:30

I call (404)65-WORKS again to ask for a damage claim. I am told that a crew will come out and give me one.

11:00

A crew arrives. A city employee (Andre Harris) confirms that there were indeed roots blocking the city line. He says he can't promise that it won't happen again with the old trees on 10<sup>th</sup> Street. When I ask him for a damage claim, he tells me that he doesn't have one, but someone will come out and deliver one to me that same day.

00- -1368

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0394

Date: August 22, 2000

Claimant /Victim JUSTIN HAMER  
BY: (Atty) \_\_\_\_\_  
Address: 417 10<sup>th</sup> Street, Apt. 1, Atlanta, Georgia 30309  
Subrogation: Claim for Property damage \$ 146.95 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 06/13/00 Method: Written, proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 05/15/00 Place: 1200 block of Utoy Springs Road  
Department Public Works Division: Sewer Operations  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges his property was damaged due to a sewer back up. The investigation determined that the City had no notice of any problems with the City's sewer line prior to the incident involving the claimant. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 08-22-00  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Jordan  
06/19/00  
Dm

Today's Date: 5-26-2000

ENTERED - 6-22-00 - SB  
00L0394 - DOBBS JORDAN

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 146.95 property and/or  
\$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 5/15/2000 2. Time of Incident: 9am 3. Police called: \_\_\_\_\_  
(month/day/year) Yes No
4. Location of incident (including street address): 417 10th Street, #1 Atlanta GA 30309
5. Name of your insurance company: \_\_\_\_\_ Policy No. \_\_\_\_\_
6. State what and how incident occurred: city sewer line backed up. Details  
on accompanying sheet.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL  
RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of  
repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: \_\_\_\_\_  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by  
State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE  
INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

Justin Hamer  
(Print Claimant's Name)

417 10th Street, #1  
(Address)

Atlanta, GA 30309  
(City, State and Zip Code)

678-592-7436 404-873-6781  
(Work Number) (Home Number)

RCS# 2218  
9/18/00  
2:15 PM

# Atlanta City Council

## Regular Session

CONSENT

PAGES: 1-19

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty  
Y Starnes  
Y Bond  
Y Winslow

Y Dorsey  
NV Woolard  
Y Morris  
Y Muller

Y Moore  
B Martin  
Y Maddox  
Y Boazman

Y Thomas  
Y Emmons  
Y Alexander  
NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-R-1321  
00-R-1322  
00-R-1388  
00-O-1435

# CORRECTED COPY

CONSENT

		09/18/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA		ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1234 2. 00-O-1007 3. 00-O-1015 4. 00-O-1427 5. 00-O-1429 6. 00-O-1432 7. 00-R-1387 8. 00-R-1392 9. 00-R-1395 10. 00-R-1452 11. 00-R-1340 12. 00-R-1323 13. 00-R-1433 14. 00-R-0560 15. 00-R-0561 16. 00-R-1454 17. 00-R-1299 18. 00-R-1308 19. 00-R-1334 20. 00-R-1335 21. 00-R-1338 22. 00-R-1394 23. 00-R-1331 24. 00-R-1330 25. 00-R-1332 26. 00-R-1333 27. 00-R-1337 28. 00-R-1339 29. 00-R-1419 30. 00-R-1426 31. 00-R-1342 32. 00-R-1343 33. 00-R-1344 34. 00-R-1345 35. 00-R-1346 36. 00-R-1347 37. 00-R-1348 38. 00-R-1349 39. 00-R-1350 40. 00-R-1351	41. 00-R-1352 42. 00-R-1353 43. 00-R-1397 44. 00-R-1398 45. 00-R-1399 46. 00-R-1400 47. 00-R-1401 48. 00-R-1402 49. 00-R-1403 50. 00-R-1404	51. 00-R-1357 52. 00-R-1358 53. 00-R-1359 54. 00-R-1360 55. 00-R-1362 56. 00-R-1363 57. 00-R-1364 58. 00-R-1365 59. 00-R-1366 60. 00-R-1367 61. 00-R-1368 62. 00-R-1369 63. 00-R-1370 64. 00-R-1371 65. 00-R-1372 66. 00-R-1373 67. 00-R-1374 68. 00-R-1375 69. 00-R-1376 70. 00-R-1377 71. 00-R-1378 72. 00-R-1379 73. 00-R-1380 74. 00-R-1381 75. 00-R-1382 76. 00-R-1383 77. 00-R-1384 78. 00-R-1385 79. 00-R-1386 80. 00-R-1405 81. 00-R-1406 82. 00-R-1407 83. 00-R-1408 84. 00-R-1409 85. 00-R-1410 86. 00-R-1411 87. 00-R-1412 88. 00-R-1413